

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**C. R No. 5176 of 2019
Date of decision : 28.08.2019**

KelaPetitioner
versus

Sewa Singh and ors. ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashok Arora, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 17.10.2017 (P-2) passed by learned Addl. Civil Judge (Sr. Divn.) Hisar whereby defence of the petitioner has been struck off.

Brief facts of the case are that plaintiff/respondent No. 1 filed a suit for possession by way of specific performance against the petitioner and proforma respondents in respect of agreement to sell dated 13.10.2015.

A bare perusal of impugned order shows that despite taking several opportunities the petitioner has not filed the written statement and thus, her defence has been struck off.

Learned counsel for the petitioner has referred to zimni order which shows that respondent Nos. 2 to 5 have already been proceeded ex parte, vide order dated 11.07.2017 and 20.02.2019 and the Court below even after passing of the impugned order has given an opportunity to the petitioner to file written statement but till date no written statement has been filed. Further counsel appearing for the petitioner has appeared on each and

every date.

Learned counsel submits that the petitioner is ready to file written statement on or before 05.09.2019 i.e next date before the Court below.

In view of the above factual position, the present revision petition stands allowed and order dated 17.10.2017 (P-2) is set aside. The petitioner is granted one effective opportunity to file written statement on or before 05.09.2019, subject to payment of cost of Rs.20,000/- to plaintiff/respondent No. 1.

28.08.2019

G.Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No